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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

8 CHARANJIT SINGH,

9 Petitioner,

10 v.

11 U.S. DEPARTMENT OF HOMELAND
12 SECURITY, et al.,

13 Respondents.

Case No. C19-0890JLR-MAT

ORDER GRANTING TEMPORARY
STAY OF REMOVAL AND
DIRECTING SERVICE

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15 Petitioner, proceeding through counsel, has filed a petition for writ of habeas corpus
16 pursuant to 28 U.S.C. § 2241 and an emergency motion for a stay of removal. (Dkts. ## 1, 1-2.)
17 Petitioner is detained by U.S. Immigration and Customs Enforcement (“ICE”) at the Northwest
18 Detention Center in Tacoma, Washington, and is currently in the process of being removed to
19 India. He alleges that he has a fear of religious and political persecution if he is removed to
20 India. An asylum officer made a Negative Credible Fear Determination, and Petitioner claims
21 that the immigration judge who reviewed that determination failed to give him a fair hearing in
22 violation of his Fourth and Fifth Amendment rights.

23 Having reviewed petitioner’s submissions, the Court ORDERS:

ORDER GRANTING TEMPORARY
STAY OF REMOVAL AND DIRECTING
SERVICE - 1

1 (1) In light of the immediacy of irreparable harm to petitioner before an opportunity
2 for review of the case on the merits takes place, petitioner's removal is temporarily STAYED
3 pending briefing and a resolution of petitioner's motion for stay. Petitioner's transfer from this
4 judicial district is also temporarily STAYED pending resolution of the motion to stay. The Court
5 expresses no views at this time as to the merits of petitioner's habeas petition or motion for stay.

6 (2) If not previously accomplished, electronic posting of this Order and petitioner's
7 § 2241 habeas petition shall effect service upon the United States Attorney of the petition and all
8 supporting documents, including the emergency request for stay of removal. Service upon the
9 United States Attorney is deemed to be service upon the named respondent(s).

10 (3) **Within thirty (30) days of the date this Order is posted**, respondent(s) shall
11 show cause why a writ of habeas corpus should not be granted by filing and serving a return as
12 provided in 28 U.S.C. § 2243. As a part of the return, respondent(s) shall submit a memorandum
13 of authorities in support of their position and state whether an evidentiary hearing is necessary.
14 Also as a part of the return, respondent(s) shall respond to petitioner's request for stay.

15 (4) The return will be treated in accordance with Local Rule W.D. Wash. LCR 7.
16 Accordingly, on the face of the return, respondent(s) shall note it for consideration on the fourth
17 Friday after it is filed, and the Clerk shall note the return accordingly. Petitioner may file and
18 serve a response not later than the Monday immediately preceding the Friday appointed for
19 consideration of the matter, and respondent(s) may file and serve a reply brief not later than the
20 Friday designated for consideration.

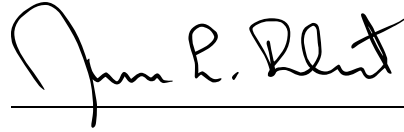
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1 (5) The Clerk is directed to send copies of this order to the parties and to the
2 Honorable Mary Alice Theiler.

3 Dated this 6th day of June, 2019.

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6 JAMES L. ROBART
7 United States District Judge
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9 Recommended for Entry
10 this 6th day of June, 2019.

11 /s/ Mary Alice Theiler

12 MARY ALICE THEILER
13 United States Magistrate Judge
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